

AMENDMENT UNDER 37 C.F.R. 1.111
USAN 10/787,142

REMARKS

Claim 24 has been amended to incorporate the recitations of claim 27, which has been canceled, and has been amended based on the disclosure at, e.g., page 12, lines 3-4 in the application. Claim 25 has been canceled. Claim 26 has been amended in view of the cancellation of claim 25. Claim 28 has been amended to be in independent form, and has been amended based on the disclosure at, e.g., page 12, lines 3-4 in the application. Claims 29-31 have been amended in view of the cancellation of claim 25. Claim 43 has been amended to depend on claim 28. Claim 50 has been amended to be in independent form, and has been amended based on the disclosure at, e.g., page 12 in the application. Claim 51 has been amended to include recitations previously set forth in claim 50. Claim 52 has been canceled. Claim 53 has been amended to include recitations previously set forth in claim 51. Claim 54 has been amended to include recitations from claim 52 and in view of the cancellation of claim 52. Claims 55 and 56 have been amended to change their dependency. Claim 57 has been added corresponding to claim 56 except for depending on claim 54. Independent claim 58 has been added corresponding essentially to the previous version of claim 56.

Entry of the above amendment is respectfully requested.

Anticipation Rejections

On page 2 of the Office Action, in paragraph 3, claims 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Joshi (4,017,574). On page 3 of the Office

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Action, in paragraph 4, claims 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Sonnenberg et al (6,673,756).

To obviate these rejections and expedite allowance, claim 24 has been amended to incorporate the recitations of claim 27, which has not been included in this rejection, and claim 25 has been canceled. Accordingly, Applicants submit that these rejections have been overcome, and withdrawal of these rejections is respectfully requested.

Obviousness Rejections

On page 4 of the Office Action, in paragraph 8, claims 26-30, 34, and 38-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joshi (4,017,574), and claims 24-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnenberg et al (6,673,756).

In response, Applicants submit that neither reference teaches or suggests a cleansing bar with an outside layer, a top layer, or a first layer as those layers are defined in the present application, and thus the cited art neither teaches nor suggests a step of washing or bathing with the cleansing bar so that the outside layer disappears (in the case of amended independent claim 24), the top layer disappears (in the case of amended independent claim 28), or the first layer disappears (in the case of amended claim 50).

Further, Applicants submit that the cited art neither teaches nor suggests a method for improving a child's hygiene comprising motivating a child to wash or bathe by providing the child with the particular cleansing bar recited in independent claim 58 (i.e.,

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a bar having rainbow colors and containing a prize identifier having the appearance of a pot of gold) and having the child wash or bathe with that bar. Applicants submit that the cleansing bar recited in claim 58 would result, e.g., in a child washing longer and more often than would any of the cleansing bars disclosed or suggested by the cited art, and thus would improve a child's hygiene.

Applicants submit that the prior art does not suggest the combination of elements recited in the present method claims, and thus the Lintner and Dillon case law cited by the Examiner does not apply.

In particular, a key element of the present method claims is the element of motivating a child to wash or bathe, wherein the child is motivated to wash or bathe with a multicolored cleansing bar in order to see the appearance of the cleansing bar change in a particular way (e.g., the outside layer disappearing in claim 24, the top layer disappearing in claim 28, or the first layer disappearing in claim 50). Seeing the cleansing bar change appearance is what motivates the child to wash or bathe and thus is an important feature of this element of the present invention.

While the Examiner contends that the bars of the cited art would inherently motivate a child to wash, Applicants disagree but in any event submit that the cited art would not inherently motivate a child to wash in order to see the appearance of the cleansing bar change in the particular way recited in the amended claims (e.g., the outside layer disappearing in claim 24, the top layer disappearing in claim 28, or the first layer disappearing in claim 50).

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Thus, Applicants submit that the prior art does not teach or suggest all the elements of the present method claims.

Further, Applicants submit that the Seid case cited by the Examiner does not apply to the present invention. In particular, the colors and layers in the present invention are not merely ornamentation or aesthetic design changes, but rather are functional in that they are specifically designed to motivate a child to wash or bathe.

As to the Examiner's contention that one would be motivated to assemble the layers and colors as claimed absent a showing to the contrary, Applicants submit that there is no reason why one skilled in the art would be motivated to assemble the layers and colors as claimed. Applicants submit that the cleansing bar recited in the present method claims is specifically designed to motivate a child to wash or bathe in order to see the appearance of the cleansing bar change in a certain way (e.g., the outside layer disappearing in amended claim 24, the top layer disappearing in amended claim 28, or the first layer disappearing in amended claim 50).

Thus, Applicants submit that the present invention is not obvious over the cited art, and withdrawal of this rejection is respectfully requested.

Conclusion

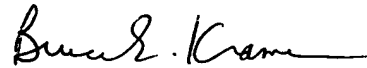
For at least the above reasons, Applicants submit that the present invention is now in condition for allowance.

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If the Examiner wishes to discuss this application with the undersigned, he is requested to contact the undersigned at the local telephone number listed below.

In view of the above, allowance of this application is respectfully requested.

Respectfully submitted,



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